



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AAS/RMP
F. #2021R00600

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 28, 2025

Kenneth Abell
Jarrod L. Schaeffer
Abell Eskew Landau LLP
256 Fifth Avenue, 5th Floor
New York, NY 10001

Seth DuCharme
Nicole Boeckmann
Bracewell LLP
31 W. 52nd Street, Suite 1900
New York, NY, 10019-6118

By Email and ECF

Re: United States v. Sun, et. al.
Criminal Docket No. 24-CR-346 (BMC)

Dear Counsel:

In response to your letter dated December 2, 2024 and in an abundance of caution, the government discloses the following information regarding review of data associated with responsiveness reports produced to the defense with Bates numbers EDNY-037876 through EDNY-037880.

The responsiveness report bearing Bates number EDNY-037876 is associated with the search warrant application under docket number 24-MC-466. The materials were received from Google on or about February 17, 2024, processed and made available to reviewing agents on or about February 26, 2024, and reviewed from February 26, 2024 to July 19, 2024. The government declines to provide further information about search protocols.

The responsiveness report bearing Bates number EDNY-037877 is associated with search warrant applications under docket numbers 22-MC-858 and 24-MC-2168. The materials were received from Google on or about April 11, 2022 and June 26, 2024, respectively. With respect to the former, returns were processed and made available to reviewing agents on or about May 19, 2022 and reviewed thereafter for approximately two months, as guided by three charts of header information regarding Linda Sun's email account. These charts, Bates-numbered EDNY-50144 to EDNY-50146, are produced today under separate cover. Subsequently, the search warrant returns, including the reviewing agents' responsiveness report, were inadvertently expunged from FBI computers. In or about May 2024, shortly after realizing that the search warrant materials had been expunged from FBI computers, agents relied primarily on the same three header charts to regenerate what they believed to be an identical responsiveness report; these efforts to recreate the responsiveness report occurred between May 31, 2024 and July 3, 2024. The government will limit its use of responsive materials associated with docket number 22-MC-858 to items listed on the three charts of header information. With respect to the latter, returns were processed and made available to reviewing agents on or about July 2, 2024 and reviewed from July 2, 2024 to September 10, 2024. The government declines to provide further information about search protocols.

The responsiveness report bearing Bates number EDNY-037878 is associated with a search warrant application under docket number 24-MC-2861. The government declines to provide further information about search protocols.

The responsiveness reports bearing Bates number EDNY-037879 is associated with a search warrant application under docket number 24-MC-2869. The materials were processed and made available to reviewing agents on or about August 19, 2024, and reviewed from August 19, 2024 to October 24, 2024. The government declines to provide further information about search protocols.

The responsiveness reports bearing Bates number EDNY-037880 is associated with a search warrant application under docket number 24-MC-2869. The materials were processed and made available to reviewing agents on or about August 23, 2024, and reviewed from August 23, 2024 to November 18, 2024. The government declines to provide further information about search protocols.

Very truly yours,

JOHN J. DURHAM
United States Attorney

By: /s/ Alexander A. Solomon
Alexander A. Solomon
Robert M. Pollack
Assistant U.S. Attorneys
(718) 254-7000

cc: Clerk of the Court (BMC) (by ECF)